

ing the passage of bills of "attainder," nor would Senators before assuming the character of judges be re-

The President spoke disrespectfully of Congress. It should have been said of the democratic majority, but the charge is brought forward in an extraordinary way. The Grand Jury is one body of Congress and the twin constitute the other. The mistake is here.

the judges of the propriety of speech. It was the assumption of this very authority which had caused thousands of heads to fall in England under the Tu-

Mr. Butler then it was immaterial whether or not the alleged indecorous expressions were true, quoting from the English statements. The sedition law passed during the Adam's administration and writings of Madison passages in support of the position that telling the truth about officers of Government is not an offence against that law. Mr. Butler then said that he was

assumption of this very authority which had caused thousands of heads to fall in England under the Tudors, and nearer our own time in France. It was the freedom of speech ordained by our Constitution, and it made us a peaceful and happy nation. He passed very briefly over the 11th article, characterizing it as

a reference to the unprecedented magnitude of this case, saying there had not been and there never could be another occasion like this in the proceedings of this Government to prove the greatness of American justice or injustice, that justice which Burke says is the crowning glory of all civilization or that injustice

Thomas was sworn on and examined by Mr. Stanberry testified as to his rank in the army and his appointment as Adjutant General in March, 1861. He remained in office after Mr. Stanton's appointment was sent by him to various parts of the country to organize and inspect troops. &c.: organized about 80,000

eral was positioned about the close of 1867; he was restored to office duty as Adjutant General by order of the President, Feb. 13, 1868; saw the President soon afterwards. Butler objected to question. What was the conversation? Witness stated that on the morning of Feb. 21, he received a note from the private

White House; he went there and the President handed him papers, being a letter to Mr. Stanton and his own letter of authority; never saw the papers before; had no hand in proposing them. The President said to him "I intend to support the Constitution and the law and expect you to do the same." Witness went to the War Department with Gen. Williams and demand-

granted him to remove his papers; Gen. Grant was present, he showed him his appointment as Secretary ad interim, witness then retired to his room on floor below. The same day he received a letter from Mr. Stanton forbidding him to issue an order as Secretary of War ad interim, which letter witness proceeded to

Mr. Stanbery asked what was said in a conversation which took place between him and the President subsequently, on the same day?

Mr. Butler objected and argued at some length that the conversation relating to an act could not be put in evidence if they occurred subsequent to its commission.

admissible, as bearing on the charges of conspiracy and calling attention to the fact that the Managers had introduced a large amount of testimony about conversation which was held long after the date in question. They had put in evidence what Gen. Thomas had said, when not on oath, and a portion of his

Mr. Butler rejoined, challenging the production of legal authorities to prove that what one conspirator said to another after an act was committed, could be put in evidence in his favor, although the confession of a criminal could always be used against him. He expressed the belief that the remarks about supporting the Government and business interests, and the

Mr. Evans reminded the Senate that the hearsay of what Gen. Thomas said was introduced upon the pledge that the President would be connected with it, now the President's counsel propose to show from Gen. Thomas himself, what were his instructions and what was the intention of the President.

ed to was reduced to writing and read by the Secretary. He then argued in support of the objection he desired. The managers had introduced heretofore evidence; the declarations of the co-conspirators were primary evidence. He said it was trifling with justice and an attempt to introduce utterances of an accused

The witness stated to the President that he had delivered the communication to Mr. Stanton, and stated what answer had been made. The President then said:

This was all that occurred. Did not see the President again that evening; next morning witness was arrested; went with the Marshal to the White House and told the President he was in custody and on what charge. The President replied, "Very well—that

On giving bail, he asked Judge Carter if he was in the meantime suspended from his functions. Judge Carter replied in the negative and explained the effect of giving bail. Witness narrated circumstances and conversation which occurred after he went to the Waikiki Hotel, Honolulu, after the arrest of the defendant.

Stanton then in a playful manner ran his hand through witness' hair and said, "Well, General, think we have little something here: whereupon Gen-

its contents, about a spoonful, into two pots, and the two took a drink together. Subsequently, some full bottles were brought in, and this was all the "force" that was used that day." (Laughter.)

Mr. Stanberry asked if the President had ever directed him to use force, intimidation or threats, to ob-

Without a division the Senate allowed the question to be put, and Thomas replied in the negative.

about Kaiser; supposes he may have seen him years ago, when he was ill at home. Kaiser introduced himself as an old acquaintance, and hung on to him by the hand while he made the remark several times repeated, about Delaware having her eyes upon him. Kaiser then asked him when he was going to kidnap

Cross-examined—From March, 1863, to Feb 11, 1868, didn't perform the office duties of Adjutant General. Mr. Stanton took the President's and Gen. Grant's recommendation to retire the witness, but that was a recommendation of the President, not of the Adjutant General.

President wished to make him Secretary of War as interim. Swore by mistake to contrary when examined by the House committee, but corrected his evidence afterwards. He swore then he had received intimation to that effect about two weeks previously from Col. Moore. Told the President at the time

Did not expect to receive any particular orders when he received a note from Col. Moore, Feb 21; he did not know what the President wanted him for. After returning from the War Department he did not tell the President that Stanton was not going to give up the office, or that such was witness' opinion. Did not

Grant, was only boasting. What he said to Burleigh about breaking down the doors, he felt inclined at that time to do; changed his mind on this point before he was arrested. The arrest did not produce the change. His intention to use force was in reverse of the President's orders. Never expressed to the President.

without using force. Suggested to the President the best way to get possession of the papers and mails of the office was by issuing an order through General Grant. The President has never said anything to him about his published expressions. The President has not acted on his suggestions how to obtain possession of the papers and mails of the office.

committee that passed a testimony was

13
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